

# FARMINGTON CITY PLANNING COMMISSION

Thursday, November 13, 2003

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## PLANNING COMMISSION STUDY SESSION

**Present:** Chairman Kent Forsgren, Bart Hill, Cindy Roybal, Cory Ritz, Jordan White, Sid Young, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Jim Talbot was excused.

**Chairman Kent Forsgren** began discussion at 6:45 P.M. The following items were reviewed:

- ¬ The Boyer Company Request for Preliminary Plat Approval for the Proposed Farmington Ranches East Subdivision Consisting of 55 Lots on 27.86 Acres Located at the Northeast Corner of Clark Lane and 1525 West Street in an AE Zone (Agenda Item #2)– Mr. Petersen reviewed what the City Council had considered regarding the road improvements along Clark Lane from 1100 West going west. Negotiations had taken place. The City Council felt safety issues required the City take action to accomplish as much of the road as possible. By a previous development agreement, a portion of the road would be funded by Farmington Greens at the time their third phase was constructed. However, that could be as much as 3 years away. Safety issues were imminent.
- ¬ Glenda Rigby and Randy Rigby Request for a Recommendation for Final Plat Approval for the First Phase of the Miller Meadows Subdivision Consisting of 22 Lots on 9.246 Acres Located at Approximately 600 South 650 West in an AE zone – Mr. Petersen noted the agenda had been amended and that the Rigby item had been added. There was some concern about road improvements because homes already existed on the other side of the street. It would be very difficult to require them to help pay for the road improvements.
- ¬ Hamlet Homes Request for a Recommendation to Rezone 22.18 Acres Located at Approximately 275 South 1100 West from A to AE– The application is the third application for a rezone to allow a subdivision to be developed on the property in question. Citizens in the area have in the past be negative to developments including building lots less than 2 acres.
- ¬ Harv Jeppson's Request for a Recommendation to the City Council to Amend the Zoning Ordinance to Allow "Bed & Breakfast/Inn" as a Conditional Use in Residential Zones– The application had been delayed until the December 4<sup>th</sup> Planning Commission meeting, therefore, it had been dropped from the amended agenda.
- ¬ Ken Hardy Proposal– Mr. Hardy had asked that the Planning Commission discuss

his proposal for a new location for the Light Manufacturing and Business zone.

### **PLANNING COMMISSION REGULAR SESSION**

**Present:** Chairman Kent Forsgren, Bart Hill, Cindy Roybal, Cory Ritz, Jordan White, Sid Young, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Jim Talbot was excused.

**Chairman Forsgren** called the meeting to order at 7:10 P.M. following the study session. **Cory Ritz** offered the invocation.

### **APPROVAL OF MINUTES**

**Cindy Roybal** moved that the minutes of the October 23, 2003, Planning Commission Meeting be approved with corrections as noted. **Sid Young** seconded the motion. The Commission voted unanimously in favor.

### **PUBLIC HEARING: THE BOYER COMPANY REQUEST FOR PRELIMINARY PLAT APPROVAL FOR THE PROPOSED FARMINGTON RANCHES EAST SUBDIVISION CONSISTING OF 55 LOTS ON 27.86 ACRES LOCATED AT THE NORTHEAST CORNER OF CLARK LANE AND 1525 WEST STREET IN AN AE ZONE (S-6-03) (Agenda Item #2)**

#### **Background Information**

At our last Planning Commission meeting, the applicant withdrew consideration of his proposal for preliminary plat approval until something could be worked out with the City regarding the improvements for Clark Lane. The conditions in the suggested motion for approval recommend that the applicant only develop the northern half of Clark Lane as it abuts his property. This, in conjunction with the City's commitment to develop the middle of the road will result in a much better Clark Lane than which now exists and will dramatically increase public safety in the area. The particulars regarding the Clark Lane improvements will be discussed in greater detail at the Planning Commission meeting.

The Planning Commission recommended schematic plan approval for this project on August 14, 2003. Shortly thereafter the City Council approved the Planning Commission's recommendation. Any approval for a preliminary plat or conditions of approval for a preliminary plat should be consistent with the conditions set forth in the schematic plan approval. (See letter to Dick Moffat dated August 25, 2003.)

The Utah Transit Authority (UTA) is now the owner of the Denver & Rio Grande right of way, and they are in the process of converting the old railroad into a trail. The developer is providing a connection to this UTA trail off a cul-de-sac in the southeast area of the subdivision. Who will own the trail connection, and how will it be maintained?

Under normal circumstances and based upon the yield plan for the subject property, the developer is only able to receive approval for 53 lots. However, it is proposed by the developer to transfer the development of two lots off site to the property bringing the total number of lots to 55. The off-site property is a 17-acre parcel located further west on 1525 West Street. The yield plan shows that three lots can be developed on the parcel. It is proposed that the developer transfer two of those lots to the subject property with a conservation easement over the 17-acre off site property leaving an opportunity to develop one residential "estate-type" parcel.

Lot 24 is a flag lot. However, the arrangement of lots 23, 24, 25, and 26 is perhaps the best configuration that is possible. Section 12-7-030(10) allows the Planning Commission to approve flag lots where due to unusual parcel dimension, configuration or topographic conditions traditional lot design is not feasible. Approval of flag lots shall not be permitted solely on the basis of economic benefit. It is possible for the developer to reconfigure the 55 lots to eliminate the need for a flag lot. However, the integrity of some of the lots may be compromised although they will still meet the standards of the subdivision and conservation ordinances. Therefore, it is recommended that Lot 24 be approved as illustrated on the preliminary plat.

END OF PACKET MATERIAL.

**Mr. Petersen** stated that the item had been reviewed in depth during the last Planning Commission meeting. He noted that the applicant had discussed the issues with the City Council, who had felt there needed to be a compromise in order to provide for the safety of the public using Clark Lane.

### **Public Hearing**

**Chairman Forsgren** opened the meeting to a public hearing and invited the applicant to address the Commission.

**Dick Moffat** (representing the developer) stated he felt the Planning Commission had been adequately informed regarding the agenda item. He offered to answer any questions the Commission members may have.

### **Public Hearing Closed**

With no further comments, **Chairman Forsgren** closed the public hearing. The Commission members discussed the issues, including the following points:

**Ms. Roybal** stated she had had a citizen call with concerns about the safety of the public using the Clark Lane west of the off ramp intersection as it now exists in its narrow and dilapidated condition. She understood that a compromise had been brokered by the City Council

and the staff with the developer. She felt the entire road should be improved, but realized that the City had to move forward with what was possible.

**Mr. Petersen** stated that the developer would be completing the northern half of the road west of the railroad tracks. The City would fund the middle 15 feet of the road which would allow for a much wider street than now exists. There would be a 2 ½ to 3 year delay if the City was to wait for the third phase of Farmington Greens to take place, which was the trigger for the improvement of the southern half of the road.

**Chairman Forsgren** stated it was likely the best that the City could get because of existing development agreements.

**Cory Ritz** asked if the side walk and gutter would still be a part of the southern half of the road improvements. He had been concerned with the safety of school children who use the road as a way to get to school. He asked that the development agreements be checked to make sure that the sidewalk and curb and gutter are included so that they are constructed when the southern half of the road is improved.

**Mr. Petersen** concurred that needed to be affirmed.

**Mr. Ritz** felt that prior to City Council approve an agreement must be in place with the developer to provide for the sidewalk, curb and gutter on the south side. Mr. Ritz also asked about the trail that was to be a part of the UTA corridor for transit. Who would construct it and who would maintain it?

**Mr. Petersen** stated that there would be either an easement or a fee title for the trail associated with the UTA transit corridor. Farmington City may maintain the trail. UTA has not yet entered into negotiations regarding the trail.

### **Motion**

**Cory Ritz** moved that the Planning Commission grant preliminary plat approval for the proposed Farmington Ranches East Subdivision located at the northeast corner of Clark Lane and 1525 West Street subject to all applicable Farmington City development standards and ordinances and the following conditions:

- Review and approval of the final plat and improvement drawings by the City Engineer, Public Works Department, Fire Department, Central Davis County Sewer District and Weber Basin Water Conservancy District.
- Review and approval by the City Engineer of a grading and drainage plan showing by appropriate graphic means the proposed grading of the subdivision and a storm drainage facility plan showing the needed storm drainage facilities with runoff calculations and location, size, and outlets of the storm drainage system. The grading and storm drainage plan shall be consistent with Farmington

City's Master Storm Drainage Plan for the west Farmington area.

- The developer must provide for the improvements of Clark Lane on the north side of the street running the entire length of the subdivision from east to west from the Denver & Rio Grande tracks to 1525 West Street. The City, through impact fees or through some reimbursement agreement with the developer related thereto, shall provide for the middle 15 feet of Clark Lane.
- The developer shall enter into a development agreement , if necessary, prior to or concurrently with final plat approval to address issues related to the subdivision, including but not limited to, the trail connecting to the Denver & Rio Grande right of way and the maintenance of the 32-foot wide drainage channel.
- Revise the note on the plat regarding adjacent agriculture areas to leading references to Farmington Greens PUD Plat 4.
- The developer shall receive a flood control permit from Davis County prior to final plat approval.
- The developer must receive approval to mitigate the wetlands traversing the cul-de-sac located in the northeast area of the property prior to developing said road and cul-de-sac and lots 23, 24, 25, and 26.
- Developer shall place a conservation easement acceptable to the City over the southern 17-acre parcel.
- The bottom of the drainage channel shall be lined with concrete.
- Prior to City Council consideration of approval, an agreement must be prepared between the applicant, City staff, and Farmington Greens acceptable to the City wherein there will be provisions made to construct sidewalk on the south side of Clark Lane.

**Sid Young** seconded the motion, which passed by unanimous vote.

**Findings**

1. The motion was in accordance with the development standards.
2. The project would be beneficial to citizens of Farmington.
3. The portion of the road to be completed would be done according to City standards.

4. Safety issues were being considered.

**PUBLIC HEARING: KEN FARR REQUEST FOR APPROVAL FOR A LOT SPLIT  
(TWO LOT SUBDIVISION) CONTAINING .93 ACRES LOCATED AT 878 NORTH  
MAIN IN AN LR-F ZONE (S-2-03) (Agenda Item #3)**

**Background Information:**

The subject property is located in the LR (Large Residential) zone. The minimum lot size in this zone is 20,000 square feet and the minimum lot width is 85 feet. The applicant has both the frontage, 208 feet, and the area, 40,510 square feet, to create two lots. Notwithstanding this, the position of the existing home in the center of the parcel prevents a perfectly symmetrical lot split meeting conventional standards. Alternatives in considering the lot-split may include the following:

6. Enact a special exception clause as part of the LR zone similar to the lot width special exception clause enacted for the OTR zone.
7. The application was submitted as a conservation subdivision and under the provisions of Chapter 12 of the Zoning Ordinance, lots smaller than 20,000 square feet in size may be considered for approval. One of these provisions sets forth that the property owner must set aside a minimum of 10% of the total area of the property as open space. In lieu of this “stand alone” open space, a conservancy lot may be considered. The minimum lot size for conservancy lots in the LR zone is two acres. The applicant’s lot parcel size is .93 acres. Under these circumstances, the ordinance allows for one conservancy lot not meeting minimum lot size standards which may be approved at the discretion of the City Council. The applicant is suggesting that the City approve the larger of the two lots, 26,227 square feet, as a conservancy lot. But does such a lot really meet the purpose of the conservation subdivision development standards contained in Chapter 12?
8. Create an 85-foot lot width on the smaller lot thereby meeting the frontage requirements and then recommend a waiver to the City Council pursuant to Section 11-12-065 of the Zoning Ordinance if the property owner places a deed restriction over the larger lot preventing the further development or subdivision thereof.
9. Deny the application.

The City Planner recommends that the Planning Commission approve the third alternative in resolving the lot size and frontage issue related to this subdivision request.

END OF PACKET MATERIAL.

**Mr. Petersen** explained the options available for the Planning Commission to consider. The options were presented in the background information.

### **Public Hearing**

**Chairman Forsgren** opened the meeting to a public hearing and invited the applicant to address the Commission.

**Ken Farr** (878 North Main) stated he had purchased the property from his mother after his father's death about 20 years ago. At that time the side lot qualified for a subdivision. Since then the requirements for frontage had been raised to 85 feet. He had not learned about the change until he applied for the lot split. In talking with staff, Mr. Farr recognized that his preferences would be option #1. He did not want to have the property line angled in front of the existing home because he felt it would devalue the larger lot's property value.

### **Public Hearing Closed**

With no further comments, **Chairman Forsgren** closed the public hearing. The Commission members discussed the issues, including the following points:

9. If option #1 were considered for approved, the Planning Commission would need to table the agenda item because there was a great deal of work that would have to be accomplished before option #1 was acceptable to City ordinances for this property.
9. The applicant remarked that he felt some urgency to gain approval because he wanted to start building a home for his daughter on the second lot. He said he would be willing to consider option #2 if the Planning Commission could approve it during the current meeting. He said that open space was provided by the Bamberger corridor running adjacent to the rear of the property. The corridor provided a natural buffer. Mr. Farr stated he had no intention to further divide the larger lot and that a conservation easement prohibiting any further lot splits over that lot would be acceptable to him.
9. Discussion ensued regarding gaining a waiver for the smaller lot if the frontage was not to City standards and providing a conservation easement for the larger lot to protect it from further subdivision.

9. It was evident after a great deal of discussion that the options most acceptable to the City were not acceptable to the developer. It was suggested that the best action may be to allow more time for research into other alternatives. The applicant expressed his desire to have a decision during the meeting.

### **Motion**

**Jordan White** moved that the Planning Commission recommended the City Council create an 85-foot lot width on the smaller lot thereby meeting the frontage requirements and then recommend a waiver to the City Council pursuant to Section 11-12-065 of the Zoning Ordinance if the property owner places a deed restriction and/or conservation easement (whichever is recommended by the City Attorney) over the larger lot preventing the further development or subdivision thereof. **Cindy Roybal** seconded the motion.

In discussion of the motion, several members of the Commission expressed their concern that the option did not completely comply with City standards and ordinances. Also, there was a question as to whether or not the angled reconfigured lot line, as proposed, would in reality devalue the property. **Mr. White** stated that it was his perception that the Planning Commission was not opposed to the lot split but that the body wanted to approve the option most beneficial to the City as a whole.

### **Motion Withdrawn**

**Mr. White** withdrew his motion.

### **Motion**

**Cory Ritz** moved that the Planning Commission table consideration of the agenda item to enable the applicant and City staff time to work through various proposals to get a better feel for the best option. **Sid Young** seconded the motion.

In discussion of the motion, **Mr. Ritz** stated that the Commission was aware that the applicant was anxious to begin the building process but the best alternative needed to be considered by the City and it was not clear which alternative that was.

**Chairman Forsgren** stated the next Planning Commission would be in three weeks. That time could give the applicant sufficient time to review all the options and come to the Commission better prepared. The City Council would be meeting one week after that, to which Mr. Farr could take his application if approved by the Commission. A vote was taken indicating unanimous approval of the motion.

**GLEND A RIGBY AND RANDY RIGBY REQUEST FOR A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR THE FIRST PHASE OF THE MILLER MEADOWS SUBDIVISION CONSISTING OF 22 LOTS ON 9.246 ACRES LOCATED AT APPROXIMATELY 600 SOUTH AND 650 WEST IN AN AE ZONE (S-2-03) (Agenda Item**



**#3a)**

**Mr. Petersen** described the site plan for the first phase of the Miller Meadows Subdivision. He stated the plan called for a regional detention basin north of the current first phase. The detention basin would be more than adequate for the area. A better location, however, for the regional basin would be further west, next to the railroad tracks. Neither site was on the first phase property. Condition #4 as outlined in the packet information indicated that until the off-site basin was construction, the developer must provide a temporary retention basin over and across Lots 101 and 102 of Phase 1. The temporary basin could be removed when a permanent solution is finalized. Mr. Petersen also explained that there was no open space indicated for the first phase of development. Because each phase must stand on its own, appropriate open space, even if temporary, must be indicated on the site plan. As other phases come in for development, the temporary open space can be removed if the additional phases contained the appropriate amount.

Although the agenda item was not a public hearing, **Chairman Forsgren** invited the developer to address the Commission.

**Keith Russell** (representing the applicant) stated they were supportive of all the conditions as listed with the exception of condition #6. Condition #6 required the developer to provide the full improvements for 650 West running the entire length of Phase 1 including but not limited to the full width of asphalt as required for minor collectors, curb and gutter on both sides of the street, and sidewalk on the east side of the right-of-way. Mr. Russell stated there were several problems with requiring the condition. It would not be a good precedent to set to have all developers construct the full width of the road and he had never heard of doing so before. The west side of the side of the street had existing homes with landscaping and driveways. The elevation and slope of the existing lots would make engineering of the road on that side very expensive. He also felt that the developer, whom he represented, did not have the right to go onto private property to install curb and gutter and sidewalk in order to bring the street up to City standards. Those land owners may not want the curb and gutter and sidewalk. Mr. Russell stated that in the preliminary approval no mention was made of the road improvements. Every thing else had been approved. He stated he would like the Planning Commission to consider not including condition #6. The developer had no problem with laying the required amount of asphalt, but the curb and gutter and sidewalk were an issue.

**Chairman Forsgren** asked that Mr. Petersen clarify the issues regarding public right-of-way and the effect on existing property owners.

**Mr. Petersen** stated that the City was inventorying the existing right-of-way issues in the City. They had identified all areas where such problems may exist. The City, for the most part, has been consistent in requiring developers to improve both sides of the street when improvements are made. That is according to City ordinances. However, in this situation there are existing homes on the other side of the street. It could not be guaranteed in this situation that the developer will be able to gain reimbursement for the half of the road not abutting his property. Mr. Petersen said staff had surveyed other communities in the South Davis County

area. Three cities did not require curb and gutter on both sides of the road. Two cities did require the complete road improvements or no approvals were given for development. According to ordinance, the application could not be approved without condition #6.

**Ms. Roybal** stated there had been a controversy in her neighborhood regarding a similar situation. She asked if the problem could be resolved with the creation of an S.I.D.

**Mr. Petersen** stated that could be done, but the expense and time it would take may be prohibitive.

**Mr. Ritz** noted that condition #6 did provide for other acceptable options to be considered.

**Mr. Petersen** stated staff had already contacted the County to determine if extension agreements had been reached with property owners on the opposite side of the street that could be activated to gain funds for the road improvement.

### **Motion**

**Bart Hill** moved that the Planning Commission recommend that the City Council grant final plat approval for the first phase of the Miller Meadows subdivision located at approximately 600 South 650 West subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The developer shall comply with all conditions of preliminary plat approval which encompass the entire "Rigby Property."
2. The applicant shall enter into a development agreement with the City regarding the entire Miller Meadows subdivision, including phase one, whereby the preliminary plat shall become the master plan to guide development of the Rigby Property.
3. The development agreement shall contain, among other things, a requirement that the developer convey a temporary conservation easement to the City elsewhere on the Rigby Property. The temporary easement shall be recorded concurrently with the phase one final plat and shall encompass open space (or conservation land) in an amount equal to the proportionate share of conservation land required as part of the overall master plan for the Rigby Property. The temporary conservation easement will terminate upon the City receiving an acceptable permanent easement consistent with the open space configuration set forth in the preliminary plat (or master plan).
4. The Farmington City Storm Drain Master Plan calls for a regional system improvement detention basin located in the vicinity of the Rigby Property. Until

this detention basin is constructed on the Rigby Property or off-site, the Developer shall provide a temporary retention basin over and across Lots 101 and 102 of Phase 1. The temporary basin shall not be removed until a permanent solution is finalized. Although said temporary basin is large enough to retain the storm water generated from Phase 1, it is not large enough to retain all the storm water generated from the total 86 lots approved as part of the Miller Meadows preliminary plat. In the event an off-site detention basin is not constructed, or the temporary basin is still necessary because another on-site basin is not constructed, positioned or sized appropriately, the temporary retention basin shall become a permanent retention basin and the two lots will be located elsewhere on the Rigby Property.

5. The development agreement shall contain the precise timing in relation to the total number of lots in the preliminary plat of when an off-site detention basin, or another on-site detention basin shall become necessary. No Lots shall be approved without adequate storm water detention or retention.
6. The developer shall provide the full improvement for 650 West running the entire length of Phase 1 including but not limited to the full width of asphalt as required for minor collectors, curb and gutter on both sides of the street, and sidewalk on the east side of the right-of-way. In connection with this requirement the City may propose another consideration agreeable to both parties.
7. All lots shall have at least one side yard public utility easement equal to 10 feet in width.
8. A note shall be placed on the final plat indicating that a soil report has been prepared and submitted to the City for the proposed subdivision in accordance with the Subdivision Ordinance. The "City Mayor" signature block shall be removed from the final plat.
9. Improvement drawings, including an overall grading and drainage plan and a lot by lot drainage plan consistent with the Best Management practices and other provisions of the Farmington City Storm Water Management Plan, shall be reviewed and approved by the City Engineer, Public Works Department, Fire Department, Planning Department, Central Davis County Sewer District, and the Weber Basin Water conservancy District.
10. If necessary, the applicant shall obtain a Flood Control Permit from the Davis county Public Works Department.

**Cory Ritz** seconded the motion.

In discussion of the motion, the flood plain issue and the 1000 foot issue were raised. Mr. Petersen explained that the flood plain issues had been resolved and furthermore, that the

subdivision complied with the 1000-foot dead end street length requirement because there was room available for a 3-point emergency vehicle turn around at the end of the dead end street.

A vote was taken indicating the motion passed by unanimous vote.

### **Findings**

1. Plans for the first phase of the development were consistent with the General Plan and with all City standards and ordinances.
2. The developer had shown a willingness to comply with all requirements of the City in making public improvements.

### **PUBLIC HEARING: HAMLET HOMES REQUEST FOR RECOMMENDATION TO REZONE 22.18 ACRES LOCATED AT APPROXIMATELY 275 SOUTH 1100 WEST FROM A TO AE (Z-7-03)**

### **Background Information:**

The Hamlet Development rezone application is the third such request that the Planning Commission has received in the past six months. The Planning Commission tabled the first request on June 26, 2003. Thereafter, the developer officially withdrew his application for consideration.

On the second request, the Planning Commission recommended that the City Council deny the application. In the first application the schematic plan called for 42 lots and placed the conservation area, or open space, to the rear of the subdivision. The present application calls for the creation of 37 lots with an additional conservancy lot placed on the south side of the subdivision.

As a reminder to the Planning Commission, it is not necessary to review a schematic plan in order to provide a recommendation regarding a rezone application. However, it is extremely helpful to do so and applicants are encouraged to submit such a plan as part of the rezone process.

It is the understanding of the Planning Department that Hamlet Development has held a neighborhood meeting with adjacent property owners regarding their subdivision proposal.

END OF PACKET MATERIAL.

**Mr. Petersen** reviewed the history of the parcel of ground and the three previous applications for development into a subdivision. He also reminded the Planning Commission of the reasons they had for denying the previous requests. Because the current application included

a parcel from the Farmington Downs subdivision, it would require a plat amendment before the plan could move forward.

### **Public Hearing**

**Chairman Forsgren** opened the meeting to a public hearing and invited the applicant to address the Commission.

**Jim Paraskeva** (representing Hamlet Homes) stated that the plans submitted called for 22 acres to be developed into building lots for 42 lots. The subdivision would be an ideal transition between the large existing lots and the Farmington Greens development. He asked that the Commission consider rezoning the property from "A" to "AE" to allow the size of the building lots. He felt the application was consistent with the Master Plan for the area. Most lots would be about 15,000 square feet. The smallest lots would be 11,000 square feet. The largest lots would be about 20,000 square feet. The developer would provide improved roads through the subdivision.

**Cheryl Farnsworth** (287 South 1100 West) stated she had lived in the area for 18 years. She had moved from another area because of the rural atmosphere west Farmington provided. The requested zone change does not fit with the street nor the neighborhood. The subdivision proposed would not fit with current residents. The area should be kept to 2-acre lots as zoned. She asked that the Commission listen to those who already live in the area.

**Ken Williams** (344 South 1100 West) said the proposed subdivision would be a very rough transition between Farmington Greens and the large lot properties that currently populate the area. One of his greatest concerns was the traffic. Because of the growth already experienced in the neighborhood the traffic is getting worse and worse. He was also concerned about the impact another subdivision would have on utilities. He said that water pressure had already dropped with the development that had gone in. With the jail expansion, the traffic would double just for that increase. Mr. Williams also mentioned the Davis County Fairgrounds and the impact of events on the near-by residents. With another subdivision there, the impact would be very negative. He wanted to retain the "A" zone as is currently established.

**Diane Williams** (344 South 1100 West) felt traffic was a very big concern. During the afternoons it was very difficult to be able to ride a horse on the streets because of the increased traffic. During events at the Fairgrounds people park their horse trailers along the roads and unload the large animals right on the street. Increased traffic would create greater risks. Ms. Williams asked regarding the Farmington Downs parcel and what it meant to have it held in a conservation easement. She stated her property would be land-locked if the subdivision were allowed to proceed.

**Greg Black** (321 South 1100 West) expressed his concerns. He felt that small-lot subdivisions were not consistent with horse property. The main reason he moved to the west Farmington area was so that he would be free to pursue his equestrian interests. The area especially around the Fair Grounds should be kept for equestrian land uses and for those friendly

to large animals. Those who move into subdivisions of the type being proposed will eventually complain about the smells and sounds of equestrian uses. The people moved into the area first will be forced to change the reasons for which they chose to live there. Traffic issues were also a big problem. The growth that has already come has caused problems. He felt 1 acre lots may be acceptable.

**Marie Benson** (332 South 1100 West) stated she lived in the Farmington Downs subdivision and owned horses. In the afternoon the traffic is so bad that she could not ride her horses on the roads as she once had. She also noted that 50 percent of the cars were being driven by teenagers. The mix of horses on the streets with teenage drivers was very dangerous. They moved to the area for the privacy and the quiet. She wanted the area to remain rural.

**Cindy Heart** (367 South 1100 West) had lived in the area for 10 years. When they came they would have liked to buy 100 acres just to keep it open. She said there has already been a big difference just with the development that has gone in. The traffic from the off ramp will increase and become dangerous, especially to the rural uses of the neighborhood. She asked that there be no zone change.

**Glen Schimmelpfennig** (387 South 1100 West) had built his dream home in west Farmington with the intent of living in a rural area. He enjoyed the neighborhood the way it was for the quiet, serenity that prevailed. He moved away from the high density developments on purpose. He wanted to know if there was something that could be done to protect the character of the community because it was being jeopardized almost every month. The proposed development is something the neighborhood does not want.

### **Public Hearing Closed**

With no further comments, **Chairman Forsgren** closed the public hearing. The Commission members discussed the issues, including the following points:

**Mr. Ritz** stated the issue with the Farmington Downs property would have to be resolved before the Planning Commission could seriously consider any proposal including the parcel. He also noted that the plan of the current subdivision seems to reverse the trend of the Farmington Greens plan to use large lots next to the rural area as a buffer. Traffic concerns are also valid. Further development along 1100 West would have to be carefully considered because of the transportation needs. The equestrian use in the community must also be taken into consideration. One year ago, the City struggled with 1 acre lot developments for this area. Now the developer wants to come in with much higher density. He stated he felt the Commission be mindful of the existing property owners.

**Mr. White** requested information regarding the General Plan for the area.

**Mr. Petersen** stated the General Plan called for the area to be rural residential which allowed up to 2 dwellings per acre, which was equivalent to ½ acre lots. The “AE” zone is consistent with the General. The “A” zone is also consistent with the General Plan. Mr. Petersen

stated that there may be problems with the current application. The developer stated that he did not plan to include lot 4 of Farmington Downs as part of the subdivision, yet this parcel was included in the yield plan and contained the area designated for open space for the development. Therefore, it appears that the schematic plan does not meet ordinance requirements.

**Chairman Forsgren** asked if a traffic study could be done.

**Mr. Petersen** stated that a traffic study may not be a good thing to require at the time of a rezone request. A traffic study could be required at the time a subdivision plan is submitted.

**Chairman Forsgren** felt the transportation needs of the entire area needed to be considered.

**Mr. Ritz** stated that the graduation of lot sizes in the Farmington Greens area had been done for a purpose. The current subdivision plan was not consistent with those over-all goals.

The developer requested the Commission to table the agenda item to give them time to resolve the Farmington Downs issues.

**Chairman Forsgren** stated that there were more issues than just the Farmington Downs issues.

**Mr. White** said it was obvious from the public hearing that there were deeper issues involved and that the developer may want to meet with citizens to get their input. He was concerned that if the Commission were to table the issue, the developer may get the message that the only problem before them was the Farmington Downs parcel.

**Ken Williams** stated that the area had been Master Planned for 2 acre lots. He wanted to have some way to eliminate the constant attempts at changing the zoning.

### **Motion**

**Cory Ritz** moved that the Planning Commission table the agenda item. **Jordan White** seconded the motion.

In discussion of the motion, **Mr. White** wanted to know if there were enough reasons to outright deny the application.

In response to Mr. White's question, **Mr. Petersen** said there were enough reasons.

A vote was taken indicating a unanimous affirmative vote.

## **Findings**

1. The Plat amendment of the Farmington Downs Subdivision must occur first before both parcels can be developed, unless the northern parcel is developed separately.
2. If the Planning Commission chooses not to recommend that the area be rezoned and remain "A" (Agriculture), is such an action consistent with the goals and policies of the General Plan?
3. How will the traffic generated from the subdivision impact the capacity of 1100 West Street?

## **PUBLIC HEARING: SMITH'S FOOD & DRUG REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH A "FUEL CENTER" LOCATED AT 1316 NORTH HIGHWAY 89 IN A C ZONE (C-16-03) ( Agenda Item #5)**

### **Background Information:**

Smith's Food and Drug is the anchor tenant of the Foxglove commercial center. Farmington City approved the site plan and reapproved the conditional use permit for this center on September 15, 1987. Four pad sites or outlying commercial parcels were approved as part of the overall site plan. Therefore, the commercial site proposed for the fuel center has been previously approved by Farmington City. Nevertheless, no specific use was contemplated for this site as part of the 1987 approval. Section 11-8-106 of the Zoning Ordinance states:

"Once granted a conditional use shall not be enlarged, changed, extended, increased in intensity, or relocated unless a new conditional use application is made and approved by the Planning Commission."

One may reason that a fuel center use is certainly a different intensity at that corner location than other possible retail or restaurant uses that could have also been proposed for this site. Therefore, Smith's Food and Drug has submitted a conditional use application to receive approval for the fuel center.

All applications for commercial uses in Farmington must meet the standards of Section 11-7-107 of the site plan review chapter of the Zoning Ordinance, including, but not limited to, the following:

### **Architectural Plans.**

All commercial development shall be designed to include as part of the exterior facade,



building or as architectural elements in the landscape, an element of Farmington rock. The applicant is proposing a rock wainscot on each of the pillars supporting the fuel center canopy. However, the fuel center office does not have an element of Farmington rock and in order to match the architecture of the Foxglove commercial center, a wainscot of Farmington rock should also be provided on this building. The Planning Commission may also consider a taller wainscot of Farmington rock on each of the pillars which support the canopy.

### Landscaping.

The applicant is not displacing any of the landscaping which was approved as part of the 1987 plan. Therefore, it may not be necessary to acquire any additional landscaping for the fuel center.

### Sign Plans.

Smith's is proposing a sign for the fascia of the canopy. They are also proposing to replace an existing ground sign at the south entrance with a fuel center sign. Replacing one sign for a smaller sign is compatible with the sign ordinance.

### Transportation and Circulation Plans.

It appears that the fuel center will displace approximately 38 parking stalls. This figure may be less, but the applicant did not provide a plan showing the existing conditions of the site. On the site plan the applicant demonstrated that the Smith's, existing shops and the Burger King total 88,128 square feet, and the proposed parking for the center, with the addition of the gas station is 440 stalls or 5.04 stalls per 1,000 square feet of building. If the Burger King contains approximately 1,600 square feet of eating area, the Farmington City parking requirements would require 14 spaces for this building. This, coupled with the 27 spaces behind the Foxglove commercial center, which are not that useable, reduces the total number of parking spaces available for the site to 393 stalls or 4.59 per 1,000 square feet of floor area. This exceeds the minimum Farmington City parking space requirement for intensive commercial business and retail stores and shops which calls for four parking spaces per 1,000 square feet of floor area.

END OF PACKET MATERIAL.

**Mr. Petersen** reviewed the background information. He stated that the application exceeded the required standard and that the project would be a great addition to the area.

### Public Hearing

**Chairman Forsgren** opened the meeting to a public hearing and invited the applicant to address the Commission.

**Robert Schmit** (representative of the Smith Food & Drug Corporation) stated the addition of the fuel center would help the store. The construction of the nearby Highway 89 has

hurt the store with limited access and the interruption of the construction itself. The gas station would help the store over all. He also felt it was an appropriate use for the land. The fuel center would not be a more intensive use than a restaurant. Mr. Schmit stated the developer would place Farmington rock on the exterior of the kiosk up to 42 inches (which would be right below the window) and would match that height on each of the pillars. He also stated the lighting would not extend beyond the canopy of the fueling center.

### **Public Hearing Closed**

With no further comments, **Chairman Forsgren** closed the public hearing.

**Mr. Petersen** discussed the future traffic flow and access to the Smith property. There will be no left hand turns allowed directly from Shepard to the Commercial Center west of Burger King and east of U.S. 89. He stated that it made sense to construct the fuel center at the proposed site because of the access from the new one-way frontage road and the right hand turn on to Shepard still available from the site.

**Mr. White** asked if the area was within any of the well protection zones.

**Mr. Petersen** stated it was not.

### **Motion**

**Jordan White** moved the Planning Commission grant conditional use and site plan approval to establish a “fuel center” located at 1316 North Highway 89 subject to all applicable Farmington City ordinances, development standards and the following conditions:

4. The applicant shall include as part of the exterior facade of the fuel center building an element of Farmington rock compatible with the architectural style of the Foxglove commercial center. The wainscot of Farmington rock proposed for the pillars supporting the canopy shall be increased 42 inches in height.
5. Lighting shall be designed, located and directed so as to eliminate glare and to minimize reflection of light into neighboring properties.
6. A grading and drainage plan and water and sewer plans shall be reviewed and approved by the Farmington City engineer, Public Works Department, Fire Department, Central Davis County Sewer District, and Farmington Area Pressurized Irrigation District.

### **Findings**

1. The action was consistent with the General Plan and all City standards and ordinances.

2. The action provided for a beneficial use for the area.

### **AGENDA AMENDMENT**

**Sid Young** moved that the agenda be amendment to consider Item #7 next. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

### **KEN HARDY PROPOSAL (Miscellaneous Item #7a)**

**Mr. Petersen** explained how the original site for the LM & B zone had been over the overpass on the west side near the County Jail Complex. However, with the reconstruction of the highway, UDOT had purchased most of the property located in the zone. It was necessary to find a new location. Several options had been considered. The Pack brothers who own land adjacent to Centerville City to the south, in the west part of Farmington, recommended that a parcel mostly owned by themselves be considered for the LM & B zone. They had proposals including storage units that they would like to use the land for. The LM & B zone would suit their needs and fulfill the needs of the City. The City Council agreed. The property was also close to similar uses in the Centerville City and would be consistent with the general use for the land in both cities. One major concern was that the land was owned primarily by one owner. Mr. Petersen stated that the LM & B zone allowed for a land owner to live on site with his business. There is a piece of the parcel which is for sale. It is currently owned by Del Callister. Because of the future traffic plans for the area, the LM & B may be an ideal zone for the property.

After discussion, and by consensus, the Planning Commission indicated they were favorable toward the proposal of Mr. Hardy to move his business to the property in consideration. Their comments, however, were non-binding because there was not formal submission nor a formal vote.

### **GENERAL PLAN AMENDMENT DISCUSSION (Agenda Item # 6)**

**Mr. Petersen** stated that a thorough discussion of the General Plan amendments being proposed would likely take two meetings. However, he briefly summarized some of the concerns being faced. The parcel north of Lagoon was being proposed as “residential mixed use.” It was an area being considered as TDR receiving area. Property owners would need to be educated regarding what that would mean for them and how it would impact their property use. Mr. Petersen stated that the property owners from the proposed TDR sending area had been to meetings where they were informed of the plans. They were very receptive to the TDR concept.

The general consensus of the Planning Commission was to get as much information to the public as early as possible.

A meeting of the Economic Development Committee would be held November 19<sup>th</sup> from 5 to 6:30 P.M. Cindy Roybal, Cory Ritz and Sid Young would attend. Jim Talbot would be

### **CITY COUNCIL REPORT**

The City Council approved the following during their November 5<sup>th</sup> meeting:

1. An amendment to the Sign Ordinance (Title 15) enacting a provision to provide for variances as determined by the Board of Adjustment.
2. H.H.I.'s appeal of the Planning Commission's decision to deny an application for a conditional use permit to allow a small auto dealership in the BR Zone.
3. An ordinance amending 11-38-101 related to Zoning Enforcement Authority.
4. An ordinance enacting Chapter 40 of Zoning Ordinance regarding Drinking Water Source Protection.
5. An amendment to an inter-local agreement with Centerville City to provide for Tuscany Cove Subdivision's drainage to be directed to Centerville's drainage system in exchange for shared drainage impact fees and storm water utility fees.

### **ADJOURNMENT**

**Cindy Roybal** moved to adjourn at 10:05 P.M.

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*Kent Forsgren, Chairman*  
*Farmington City Planning Commission*